to sufferers from diabetes that the articles would assist their bodies in overcoming a condition characteristic of sufferers from diabetes, namely, the inability properly to utilize sugar in the blood through normal chemical processes and thereby restore a condition characteristic of healthy persons, namely, balance of body chemistry; that the package labels bore certain devices, namely, the designations "Diatine" and "Betix" which represented to purchasers that the articles were effective as treatments, remedies, or cures for diabetes since they were devised and coined in part from the name of the disease "diabetes" and were applied to the articles as devices to identify them with the disease diabetes, and to represent that they possessed a curative or therapeutic effect in the treatment of diabetes; that prior to the time of the shipment of the product, the defendants distributed to dealers in Diatine and Betix, for general distribution, a number of copies of booklets entitled "Diatine" and "Betix," which contained representations regarding the curative and therapeutic effectiveness of Diatine as a treatment of diabetes, and of Betix as a treatment of diabetes and Bright's disease; that the articles were not effective as treatments, remedies, or cures for diabetes or for Bright's disease; and that said devices and said statements on the packages were false and fraudulent both independently and in conjunction with each other.

On January 24, 1939, pleas of nolo contendere were entered on behalf of the defendant and the court imposed a fine of $200 on each. Payment of the fines was suspended and the defendants were placed on probation for 5 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30238. Adulteration and misbranding of camphorated oil; misbranding of olive oil. U. S. v. Ralph Sachs (Sachs Manufacturing Co.). Plea of nolo contendere. Defendant fined $25 and costs and placed on probation for 2 years. (F. & D. No. 42615. Sample Nos. 9581–D, 21204–D, 22429–D, 22512–D, 22513–D, 24220–D, 24222–D.)

The camphorated oil was found to contain less than 19 percent of camphor, the minimum prescribed in the United States Pharmacopeia, samples from the three shipments having been found to contain 17.19, 17.6, and 16.88 percent, respectively, of camphor. Two of the three shipments, and various lots of olive oil also covered by the case, were found to be short of the declared volume.

On January 7, 1939, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ralph Sachs, trading as Sachs Manufacturing Co., Pittsburgh, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act within the period from on or about January 11, 1938, to on or about April 4, 1938, of quantities of camphorated oil which was adulterated and misbranded, and olive oil which was misbranded. The articles were labeled in part, respectively: "A R O Pure Virgin Imported Olive Oil" and "A. R. O. Camphorated Oil U. S. P."

The camphorated oil was alleged to be adulterated in that it was sold under a name recognized by the United States Pharmacopeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopeia since that authority specifies that camphorated oil "contains * * * not less than 19 percent * * * of camphor"; whereas the article contained less than 19 percent of camphor, and its own standard of strength, quality, or purity was not stated on the container.

Misbranding of the camphorated oil was alleged in that the statements borne on the bottle labels, "Camphorated Oil U. S. P.," with respect to all lots, and "Contents 6 drams" and "Contents 2 oz," with respect to certain lots, were false and misleading in that they represented that the article conformed to the standard for camphorated oil prescribed in the United States Pharmacopoeia, and that the bottles in certain lots contained 6 drams and 2 ounces, respectively, of the said article; whereas the article did not conform to the standards prescribed by the United States Pharmacopoeia and the bottles in certain of the lots contained less than 6 drams and 2 ounces, respectively, of the article. Certain of the lots were alleged to be misbranded further in that the statement on the carton, "Guaranteed to comply with Pure Food Laws," was false and misleading in that it represented that the article complied with every provision of the Food and Drugs Act; whereas it did not comply with every provision of the Food and Drugs Act.

The olive oil was alleged to be misbranded in that the statement on the bottle label, "Contents 1½ fl. oz.," was false and misleading and was borne on the label so as to deceive and mislead the purchaser, since the bottles did

not contain 1½ fluid ounces but did contain a less amount. Misbranding of the olive oil was alleged further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On February 15, 1939, the defendant entered a plea of nolo contendere, and the court imposed a fine of $25 and costs on count I and placed the defendant on probation for 2 years on the remaining counts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30239. Misbranding of Fowler's solution tablets. U. S. v. 11 5/6 Dozen Bottles of Tablets Fowler's Solution. Default decree of condemnation and destruction. (F. & D. No. 44417. Sample No. 77–D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims. It also bore false and misleading representations that each tablet would make 4 ounces of Fowler's solution, since when dissolved as directed, it would not make Fowler's solution.

On November 29, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 5/6 dozen bottles of Fowler's solution tablets at Denver, Colo., consigned by Quality Biologic Co.; alleging that the article had been shipped in interstate commerce on or about August 29, 1938, from Kansas City, Kans.; and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading since they represented that the article was Fowler's solution tablets; whereas it was not Fowler's solution tablets but consisted of tablets containing approximately 1 grain of arsenic trioxide per tablet: "Tablets Fowler's Solution * * * Each Tablet contains sufficient Potassium Arsenite and coloring matter to make four ounces of Fowler's Solution." Misbranding was alleged further in that the following statements in the labeling regarding the curative or therapeutic effects of the article were false and fraudulent: "Indicated in certain case of malnutrition, particularly those attendant to cases of chronic indigestion. * * * Of benefit in the treatment of coryza, ozena, chronic cough, asthma, emphysema, bronchitis, pneumonia, and influenza. Successfully used in certain cases of general debility, pernicious anemia, and leukemia."

On February 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30240. Adulteration of Hytest Cold Capsules. U. S. v. International Drug Sales Co. Plea of guilty. Fine, $50. (F. & D. No. 42631. Sample No. 27528–D.)

This product was represented to contain 1½ grains of acetanilid per capsule, whereas it contained no acetanilid.

On January 5, 1939, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the International Drug Sales Co., a corporation, Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act on or about October 18, 1937, from the State of Colorado into the State of Wyoming, of a quantity of Hytest Cold Capsules which were adulterated. The article was labeled in part: "Acetanilide 1½ Grain Per Capsule."

It was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold in that each of the capsules was represented to contain 1½ grains of acetanilid; whereas they contained no acetanilid.

On January 27, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30241. Misbranding of Bowman's Cramp and Diarrhoea Mixture. U. S. v. Bowman Bros. Drug Co. Plea of nolo contendere. Fine, $25. (F. & D. No. 40768. Sample No. 48130–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 21, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bowman Bros. Drug Co., a corporation,